

## **REMARKS**

No claims have been amended, cancelled and added. Hence, Claims 24 - 31 are pending in the Application.

## **SUMMARY OF REJECTIONS/OBJECTIONS**

Claims 24 – 28 are rejected under 35 USC 102(b) as being anticipated by Lazaridis. (U.S. Patent No. 5,802,312)

Claims 29 – 31 are rejected under 35 USC 103(a) as being unpatentable over Lazaridis in view of Gutman. (U.S. Patent No. 5,737,390)

## **REJECTIONS BASED ON PRIOR ART**

For many of the limitations that are alleged to be taught by a reference, large passages are cited in a non-specific way. The pertinence of the passages is not apparent and is not clearly explained by the Examiner. In fact, the Examiner has alleged that the identification of passages is provided only as a convenience and that Applicant is responsible for the cited references as a whole.

However, this contradicts the MPEP. In an Office Action “the particular part relied on must be designated as nearly as practicable ... The pertinence of each reference, if not apparent, must be clearly explained ...” (37 C.F.R. § 1.104; MPEP 707). The Examiner has not clearly explained the pertinence of each reference and/or the large passages cited.

Applicant has again thoroughly reviewed the cited references. Applicant did find that certain passages may contain key word matches of some words in a claim (e.g. “type”). However, a reference must do more than simply contain a matching key word of a limitation to teach that limitation.

Applicant's multiple reviews of the cited art found that various features of the claims are not suggested in any way much less disclosed. In fact, one could search these references a lifetime and not find various claim features in the cited references.

## **Claim 24**

Claim 24 requires, inter alia, a "unified exchange manager accepting message information" and "**selecting the appropriate application** based on a **data type** of the message information." (emphasis added). Claim 24 also requires "passing said message information from said unified exchange manager to the appropriate application program." This way of selecting an application to which to pass the message information, where the selection is based on the data type of the message information, is a feature not suggested much less disclosed by the cited art. In fact, the cited the references fail to disclose or suggest in any way selecting an application to which to pass the accepted message information.

The Office Action rejects claim 24 based on Lazaridis. The rejection is based on, inter alia, correlations drawn between the message information claimed and the files that are received and subsequently processed by applications in the system of Lazaridis. Assuming the correlation is valid, Lazaridis nevertheless fails to disclose the above highlighted features.

The Office Action cites a section in Lazaridis as disclosing the feature of selecting an application based on the message type. The section contains only one passage regarding how received files are processed:

*When the invention receives a file, it is stored temporarily in Pending Files (205) until it is completely received without error. The entire file is moved from Pending Files (205) to Inbound Files (204). Files in Inbound Files (204) are processed and deleted by the applications accessing such files. (col. 5, Col. 36 – 40)*

The above passage describes that files are moved to another directory once the files are completely received, where the files are processed and deleted by applications. It does not follow from this description that applications are selected based on the data type of the received file, much less that an application is being selected.

In fact, Lazaridis fails to suggest in any way much less disclose selecting an application to which to pass the accepted message information. While Lazaridis does teach how it selects a destination directory for a received file, Lazaridis fails to teach to select an application to pass a received file.

Specifically, in Lazaridis, when a file is received, the file is added to the directory derived from the sender's network address or to a directory named by the sender. For example:

When a file is received, the Receive File Manager saves it in a pending directory until the entire file is received without error. When the file is completely received, it is moved to a subdirectory name derived from the remote computer's network address or to a given directory specified by the sender and the file name, including its path, is appended to an inbound list file. (col. 39 – 45)

Other passages of Lazaridis also teach that a received file is placed to a directory derived from the sender's network address or to a directory named by the sender. (See for example, col. 17, lines 15 – 22). It does not follow from the fact that a destination for a directory is determined from a sender's network address or sender's naming of the directory that an application is being selected to pass an accepted information message.

Based on the foregoing, claim 24 is patentable. Reconsideration and allowance of claim 24 is respectfully requested.

### **Remaining Dependant Claims Rejected Under 102**

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable.

For example, **claim 29** recites “returning from said appropriate application program a call handle that activates said application program and displays said message information.” This feature is not disclosed or suggested in any way by the cited art.

In fact, the Examiner admits this limitation is not expressly disclosed, but instead relies on inherent disclosure. The Examiner states “Since the application making use of the File Transfer Agent is disclosed as being a separate entity from the application wishing to transfer messages, the File Transfer Agent would inherently require some sort of callback mechanism to inform the calling the application of the completion of sending or receiving a message sent to or from that application.”

MPEP 2112(IV) states: “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.”

Lazaridis, as the Examiner admits, does not disclose a callback mechanism to inform the application of completion of sending or receiving a file. In fact, it does not

teach any mechanism for notifying an application of when receiving or sending of a file is completed.

Nor does it necessarily flow from Lazaridis that an application is notified of completing the receiving or sending of a file, much less that the application is notified via a call back mechanism. For example, Applications could simply poll certain directories for files that are received, where the files are then “processed and deleted by the applications....” (col. 5, lines 35 – 39)

In fact, Lazaridis teaches to limit interaction between applications and mechanisms for transmitting and receiving files to normal file system calls. “Therefore, to use the invention an application developer utilizes normal file system calls to interact with any communication network, including wireless networks.” (col. 1, lines 43 – 45)

#### **Rejections Based on 35 USC 103**

Claims 29 – 31 are rejected under 35 USC 103(a) as being unpatentable over Lazaridis in view of Gutman. These claims depend on claim 24 and therefore incorporate the limitations of claim 24. As explained earlier, Lazaridis fails to teach certain features of claim 24 and therefore certain features of claims 29 – 31. Furthermore, Gutman fails to teach these certain features. In fact, the Examiner has not alleged so.

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

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